

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 16 September 2004. Responsive to that Office Action, Claims 1-2 and 9-11 have now been amended for further prosecution with the other pending Claims. With such amendment of Claims, there is a further clarification of their recitations.

In the Office Action, the Examiner objected to Claims 2 and 9-11 for containing certain informalities. As mentioned, Claims 2 and 9-11 are among the Claims which have now been amended. It is believed that the amendments incorporated into these Claims now remove the informalities noted by the Examiner and thereby obviate the formal objections thereto.

Also in the Office Action, the Examiner rejected Claims 1, 6-7, and 9-10 under 35 U.S.C. § 102(e) as being anticipated by the Chen reference. The Examiner also rejected Claims 1, 2, and 6-10 under 35 U.S.C. § 103(a) as being unpatentable over the '719 Rando reference in view of the '630 Rando reference. In setting forth the latter rejection, the Examiner cited Rando '630 for disclosing certain structural features of a controlling element, as well as the incorporation of multiple level bubble calibrators and a power supplying battery. The Examiner concluded that it would have been obvious to one of ordinary skill in the art to have incorporated such features into the '719 Rando device.

The Examiner additionally rejected Claims 1, 4-6, 8, and 11 under 35

U.S.C. § 103(a) as being unpatentable over the Bijawat, et al. reference in view of the Hara, et al. reference. The Examiner acknowledged in this regard that Bijawat, et al. fails to disclose a refined laser leveler wherein a beam splitter includes both vertical and horizontal gratings for three-section control on a controlling element. The Examiner, however, cited Hara, et al. for disclosing such features and concluded that it would have been obvious to one of ordinary skill in the art to have modified the beam splitter of Bijawat, et al. accordingly.

The Examiner rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Bijawat, et al. and Hara, et al., further in view of the Jehn reference. In setting forth this rejection, the Examiner cited Jehn for disclosing the use of a light bulb in a fixed base.

As newly-amended independent Claim 1 now more clearly recites, Applicant's refined laser leveler includes among its combination of features a fixed base in which "a laser transmitter and two conducting pieces" are mounted at a front end. The laser leveler also includes among its combination of features "a controlling element slidably mounted adjacent a front edge of said conducting pieces" which provides "concurrent selective control of said laser transmitter actuation and configuration of a laser beam generated thereby," as Claim 1 now more clearly recites. The controlling element is formed with "at least one protruded block" which "in a first position deflect[s] at least one of said conducting pieces to contact the other," while "in a second position" it is

“spaced from said conducting pieces” of the laser transmitter, “whereby actuation of said laser transmitter is selectively enabled,” as Claim 1 further clarifies.

The full combination of these and other features now more clearly recited by Applicant’s pending Claims is nowhere disclosed by the cited references. Note, for instance, that while Chen does disclose a laser level having a lens switching knob 5 which selectively modifies the laser beam generated by laser transmitter 3, this “lens switching knob 5” is not shown to concurrently control actuation of the laser transmitter 3 itself. Indeed, a pushbutton type actuator appears to be separately provided for this purpose. Chen, therefore, does not disclose a “controlling element ... for concurrent selective control of ... laser transmitter actuation and configuration of a laser beam generated thereby,” that newly-amended independent Claim 1 now more clearly recites. Nor does the reference disclose a controlling element having the combination of structural features that Claim 1 also now more clearly recites.

Turning next to the ‘719 and ‘630 Rando references cited by the Examiner, the references both disclose structural features quite different from those recited by Applicant’s pending Claims. Note in this regard that the ‘630 Rando reference disclose a rotary turntable 90 which - depending on its angular position - serves as a conductive link between conductive members 98 and 96 for actuation of the laser projector 88. While this turntable 90 does carry mirrors 92 and 94 which in certain positions participate in deflecting the laser beam generated by projector 88,

the turntable itself includes no vertical or horizontal grating, or any other such beam splitter element, as provided for Applicant's controlling element. Perhaps even more notably, Rando's turntable 90 is nowhere provided with any "protruded block" which "in a first position deflect[s] at least one of ... [a pair of] conducting pieces to contact the other, and in a second position ... [is] spaced from said conducting pieces," so as to selective enable the laser transmitter's actuation, as Claim 1 now more clearly recites. In fact, some portion of this turntable maintains contact with conductive members 98 and 96 at all times.

The Bijawat, et al. reference also discloses a level having a laser beam source. This reference, however, specifically prescribes a manually-engageable lens switch 180 altogether separate and distinct from a "push-button switch" provided at "the end of the battery tube cover 34 ... for completing a circuit from the power-pack chamber 32 to the laser module 30 to energize the laser," (column 6; lines 50-53). Thus, Bijawat, et al. teaches explicitly away from any "controlling element ... for concurrent selective control of" both "laser transmitter actuation and configuration of a laser beam generated thereby," that newly-amended independent Claim 1 now more clearly recites.

Given such contrary teachings of the Bijawat, et al. reference, the disclosures of the Hara, et al. and Jehn references secondarily cited by the Examiner therewith are found to be quite ineffectual to the present patentability analysis. These references were cited for certain isolated features; and, neither

reference anywhere discloses such features as concurrent selective control of laser transmitter actuation and its laser beam configuration, or a controlling element having the combination of features further recited by Applicant's newly-amended independent Claim 1.

It is respectfully submitted, therefore, that the cited Chen, '719 Rando, '630 Rando, Bijawat, et al., Hara, et al., and Jehn references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are believed to be further remote from Applicant's claimed apparatus when patentability considerations are taken into account.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

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